

## JUDGE BITTERLY SCORED BY LAWYER

Schuykill Jurist, About to Leave Bench, in Blaze of Lime-light.

Pottsville, Pa., December 10.—Arthur L. Shady, presiding judge of the Schuylkill county courts, who will retire from the bench in January, has been the subject of a denunciation of Judge Shady's so-called "secret compact" with Judge Bechtel, delivered by John T. Lenahan, of Wilkesbarre, before the Superior Court this week.

Judges Shady and Bechtel for years have so invariably indorsed each other's acts that there were frequent rumors of a working agreement between them. But no one thought that if there was such a compact there would ever be an official announcement of it from the bench. However, on November 8, Judge Shady, who had been recalled by the Republican voters in making an opinion granting a divorce to Dr. J. C. Biddle, said:

"I informed Judge Bechtel that he should go on and decide the case, and whatever conclusion he arrived at I would abide by as the decision of the court."

"You can search the history of jurisprudence for centuries in vain to find anything equal to this," declared Judge Shady. "Think of it! A president judge makes a compact in advance to indorse the action of a colleague, in a case in which the president judge admits he knows nothing of the testimony or the arguments! There's nothing comparable to this in the annals of Christendom."

It was supposed Shady's opinion would bolster up the decree of Judge Bechtel, who filed a decision granting Dr. Biddle a divorce, while Judge Brumm filed an opposite decree, refusing a divorce, but instead of casting suspicion on the whole case, Senator Snyder, a close friend of Dr. Biddle, who acted as master in the divorce proceedings, against the protest of Mrs. Biddle, was criticized by Lenahan almost as sharply as Judge Shady.

Lenahan and William Wilhelm, counsel for Mrs. Biddle, declare their confidence in a complete victory for their client, who has for two years been fighting the efforts of her wealthy husband to secure a divorce on the grounds of cruel and barbarous treatment. In these efforts Biddle has had the active support of the Republican county machine.

## OILY WATER IN BLAZE; TWO VESSELS BURNED

Match Dropped Into Erie Basin at Brooklyn Causes a Fire Hard to Fight.

New York, December 10.—A lighted match dropped into the Erie basin in Brooklyn ignited its oily surface yesterday, and two vessels at anchor in the flame-topped waters were badly burned before the fire died down. The Pennsylvania Railroad lighter Locust Valley was almost destroyed, and the South American liner Javary, just in from Rio and preparing for dry dock, extinguished a dozen fires about her bow before the blaze had licked up its floating fuel.

Fire boats and a battery of fire engines combined in fighting the fire, but made little impression except to scatter it.

It is the custom of vessels preparing for dry dock to shed their oil and waste upon the water of the basin, and that is what caught fire yesterday.

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## HIRED MEN TO CHEER CHIEF OF BROKEN BANK

Man and Wife Drilled Seventy-five Italians to Howl Down Receiver-ship Suggestions.

New York, December 10.—When the Hamilton Bank closed its doors on October 23, 1907, there followed a number of meetings of depositors, at which there was unexplained enthusiasm and praise for William R. Montgomery, the president, who was subsequently sent to Sing Sing for not less than two years and two months for larceny of the bank's funds.

The source of the applause remained unexplained to most persons until today, when William G. Mulligan, Bronx lawyer and real estate broker, filed an affidavit in the Supreme Court, explaining that the demonstrations were arranged by himself and his wife, Agnes K. Murphy Mulligan, who is also a lawyer and real estate broker.

The Northern Bank, successor of the Hamilton, is suing Mulligan on notes for \$17,500, which he gave for loans negotiated through Montgomery. Mulligan put in a counter claim for \$10,000, and the plaintiff got an order requiring the defendant to file a bill of particulars. This bill contains over fifty pages, and covers the period from October 25, 1907, to January 20, 1908.

It recites, among other things, that Mulligan and his wife hired seventy-five Italians to howl down at a meeting of depositors those who favored a receivership; that Mrs. Mulligan instructed an Italian foreman to drill the seventy-five hirelings to shout and "hurray" for Montgomery; and that a speech was made at the meeting by Mrs. Mulligan, in which she said:

"How could shoes be bought, how could fires be kept and how could orphans be fed for the winter that was then before us if the Hamilton Bank was permitted to go into the hands of a receiver?" and the speech turned the tide and won the day. The motion for a permanent receiver was lost.

## MURDER CHARGE IS MADE IN BLOOD

New Yorker Arrested in Germany for Crime Committed Twenty-five Years Ago.

Berlin, December 10.—If Joseph Hibbeln, a wealthy German who lives in the United States, had suppressed his longings to revisit the fatherland he would not now be facing a charge of murder committed twenty-six years ago. He was arrested this week just after crossing the frontier into Germany.

The story is as strange as any wild fiction that ever appeared between yellow paper covers. Briefly it is this: Hibbeln and a companion named Vogt were caught poaching one night a quarter of a century ago at Kleinberg, near Minden, Westphalia. In resisting arrest the poachers shot and mortally wounded one of the Emperor's gamekeepers. The gamekeeper had just enough strength left to write the poachers' names on a loose sheet of paper, using a bit of wood and his own blood in lieu of pen and ink.

Vogt was caught and condemned to imprisonment for life. Hibbeln escaped, reached America, took another name, and acquired wealth. His home for some years has been in New York. After more than twenty-five years' absence, he decided it was safe to return to Germany.

The criminal police here renewed the warrant for Hibbeln each year, so that he was arrested immediately on his return, and will be placed on trial. The page the gamekeeper wrote in blood, which sufficed to convict Vogt, remains as evidence against Hibbeln, and will, it is believed, convict him.

## KANSAS ROOSTER IS MICE CATCHER

Topeka, Kan., December 10.—Has any one, anywhere a cat that is a real mouse catcher, a cat that can smell a mouse a block away and can run 100 feet and make the kill in twenty seconds or better? Well, there is a chance to make a match between that cat and a Kansas rooster, that is some house-catcher himself.

Harry Maddux, Assistant City Engineer at Wichita, is the owner of the rooster, and he has sent a challenge to the Kansas poultry and pet show, to be held in Topeka this month, to match his rooster against any rooster, size, breed, color, age and any other condition waived, or any breed or kind of cat, and make a little side bet that his rooster will catch a mouse and kill it in quicker time than any other rooster or any other cat, in the State of Kansas.

After the poultry and pet stock show, Mr. Maddux intends to issue a challenge to the United States for match races between his rooster and any rooster or cat at any poultry or pet stock show in the United States for mouse catching races, under almost any conditions, the winner to take 75 per cent. of the gate receipts, and also make a little side bet.

"You can talk about roosters that lay eggs and hens that crow, but I have the one best bet in the freak chicken line," said Mr. Maddux. "That rooster is just as much a mouser as any cat. He delights in the chase of the little rodents. He seems to smell them around, and will watch for hours for a mouse to come out of the hole. It doesn't make any difference about the size of the mouse. That rooster will get him."

## SAY CLERK GOT LIONS BY FRAUD

Represented He Had Fallen Heir to Uncle's Pennsylvania Estate.

New York, December 10.—Allegations that Charles A. Smith, recently chief of the bureau of audits in the Philippine government at Manila, obtained loans upon false statements that he had fallen heir to a large estate in this country, after which he left yesterday by Mrs. A. Wilson Knight, of Manila, to recover a loan of \$300 made in April, 1910.

In the case show that the lawyers for the plaintiff have secured claims aggregating several thousands upon notes given to other persons in Manila for loans.

Included in the papers is a letter purporting to have been written to Chief Clerk Smith by William O. Stiles, administrator of the estate of Charles A. Stiles, of Bangor, Me. This letter notifies Smith that his uncle, C. A. Stiles, has left a will "under which you have fallen heir to his sume his name and retain it through life." The letter also suggested that Smith come to this country at once, because his relatives were fearful that something might happen to him in the Philippines.

The papers show that Smith immediately adopted the name Stiles and the authorities at Washington looked up Smith's alleged uncle's estate after he had left Manila on a leave of absence, and learned that no such person as C. A. Stiles was known at Bangor, Pa.

The defendant is said to be somewhere in this country now.

## VIRGINIA FARMER IS SKILLED BY GAS

Found Dead in Washington Rooming House From Asphyxiation.

Washington, D. C., December 10.—Stonewall Jackson Campbell, a farmer who lived near Broad Run, Va., was accidentally asphyxiated last night in a third floor room of the Potts rooming house at Seventh Street and New York Avenue.

Harry Gardner, employed at the place, detected gas while going through the hallway at 8:30 o'clock this morning. He opened the door and found Campbell dead. He was fifty-five years old.

Corey Nevett visited the room later. He said death was accidental, so far as he could determine, and that an inquest was not necessary.

Campbell came to Washington yesterday from Thoroughfare Gap with two horses, a cow and a calf. The horses were delivered to J. M. Peake, manager of the Portland Stables on Seventh Street. The cow and calf were turned out on the way and Campbell left them at Fairfax Courthouse.

Campbell frequently had visited both the stable and the rooming house when in Washington. Mr. Peake was well acquainted with him and notified a brother, a bridge tender, of the death.

Harry Gardner, who found the body, said he went to Campbell's room with a ham Saturday night about 10:30 o'clock. "He had not been drinking, and when we got up to the room I showed him how to turn out the gas," he said. "He either blew out the gas or else didn't turn it entirely off."

A search of Campbell's pockets revealed 93 cents. "He seemed perfectly contented," said Fred Potts. "He was telling me about what he was going to do this morning, and said that he had a 'stopper' with him that he was going to take out for a little trip around Washington Monument."

## THE WEATHER.

Forecast: Virginia—Increasing cloudiness and continued warm Monday, followed by rain in southwest portion, and by night in north and east portions; Tuesday, colder and fair; moderate south to southwest winds, becoming northwest Tuesday.

Special Local Data for Yesterday:  
12 noon temperature..... 60  
3 P. M. temperature..... 58  
Maximum temperature up to 8  
P. M. temperature..... 57  
Minimum temperature up to 5  
P. M. temperature..... 55  
Mean temperature..... 56  
Normal temperature..... 51  
Excess in temperature..... 9  
Deficiency in temperature since March 1..... 155  
Accum. deficiency in temperature since January 1..... 26  
Deficiency in rainfall since March 1..... 7.20  
Accum. deficiency in rainfall since January 1..... 7.47

Local Observation 8 P. M. Yesterday:  
Temperature..... 54  
Humidity..... 62  
Wind, direction..... S. E.  
Wind, velocity..... 5  
Weather..... P. cloudy

CONDITIONS IN IMPORTANT CITIES.			
(At 8 P. M. Eastern Standard Time.)			
Place.	Ther.	H. T.	Weather.
Richmond	51	55	P. cloudy
Ashville	52	58	41 Rain
Atlanta	55	60	P. cloudy
Albany	54	58	41 Clear
Boston	52	60	41 Clear
Buffalo	50	60	41 Cloudy
Calgary	56	64	26 Clear
Charleston	60	64	26 Clear
Chicago	50	60	51 Cloudy
Denver	32	36	28
Duluth	31	38	31 Rain
El Paso	56	61	41 Rain
Galveston	56	61	41 Clear
Hatteras	50	61	41 P. cloudy
Havre	30	36	28 P. cloudy
Jacksonville	56	60	41 Clear
Kansas City	50	58	41 Clear
Louisville	62	66	55 Rain
Montgomery	65	70	56 Cloudy
New Orleans	68	72	64 Cloudy
New York	58	64	48 Clear
Norfolk	56	67	48 Clear
Oklahoma	50	60	41 Cloudy
Pittsburgh	62	66	45 Cloudy
Portland	58	64	41 Clear
St. Louis	54	64	51 P. cloudy
St. Paul	36	38	36 P. cloudy
San Francisco	58	66	51 Clear
Savannah	62	70	58 Clear
Spokane	28	42	36 Clear
Tampa	68	78	58 Clear
Washington	52	64	34 P. cloudy
Wilmington	50	58	41 Clear
Wynneville	52	58	52 P. cloudy

MINIATURE ALMANAC.  
December 11, 1911.  
HIGH TIDE.  
Sun rises..... 7:17 Morning..... 8:49  
Sun sets..... 4:51 Evening..... 9:14

## OLD STATE CLAIMS ARE NOT AFFECTED

Arbitration Treaties Would Have No Bearing on These Debts.

### OPINION OF WILLIAMS

Question Not National, and Therefore Could Not Become International.

[Special to The Times-Dispatch.]  
Washington, December 10.—"I do not believe that the United States could or would submit to arbitration the question of State debts."

This positive statement was made by Senator John Sharp Williams, of Mississippi, when discussing the pending arbitration treaties with France and Great Britain. It was not an off-hand declaration, but made after a careful study of the documents. Senator Williams, when a member of the House of Representatives, served a long time on the Foreign Affairs Committee, and has always given due attention to international affairs. Asked for a more definite statement on the subject of the arbitration treaties as they relate to the old State claims, Senator Williams said:

"I do not believe the United States could submit a State debt to arbitration, because it is not a national question, and therefore could not become an international one. The arbitration treaties as proposed refer in the first place to 'questions hereafter arising.' That, it seems to me, would put it quietus on the question. Secondly, it refers to 'international' matters, and then in the third place, it says that if 'either country shall suggest that a proposed question is not justiciable, it shall be referred to the joint high commission of inquiry' three of whom would be Americans, and that unless that commission decides unanimously, or unless all but one of them decide that a question is justiciable, that it will not be so under the treaty. If you will notice the language in article 1, which may be decided by special agreement, and by referring back, you will find that in each case the special agreement will 'define the scope of the power of the arbitrators, and will define the question or questions at issue, would define a question of State debt to be within their scope, or at issue.' This is especially important, because in the next to the last clause of article 1, it is recited that 'the special agreement, each case shall be made upon the part of the United States, by and with the advice and consent of the Senate.' I can't conceive that two-thirds of the United States Senate while defining the scope of the power of the arbitrators, or the question or questions at issue, would ever submit the Monroe Doctrine, or any phase of it, or would ever submit the question of Japanese or Chinese immigration, or would ever submit the question of State debts."

"Remember that the United States commission has no power to do anything except 'upon the request of either party' to make an 'impartial and conscientious investigation' and report concerning any controversy between the parties, and even then the language is that only 'if all or all but one of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.' By referring back to the language of article 1, you will find what the words 'in accordance with the provisions of this treaty' mean, to wit: that it is to be arbitrated 'either by the permanent court at The Hague' or by some other arbitral tribunal 'as may be decided upon in each case by special agreement,' which 'special agreement' you will remember, in the language of the treaty 'shall be made on the part of the United States, by and with the advice and consent of the Senate. Now, the Senate while giving its consent defines the scope, etc., as I have stated."

"In my opinion, the joint high commission is the most valuable part of the treaty proposed; not because of what it can do, but because of what it can delay. It gives time; 'cooling time,' because the first clause in article 1 provides that 'reference to the commission, even when requested by one of the parties, may be postponed by the other, or by either for a whole year after the date of the formal request in order, to use the language of the treaty, 'to afford an opportunity for diplomatic discussion and adjustment.'"

"I do not believe that any government can submit to arbitration any question except it be a question constituting 'a difference' between itself and another government. There never was any question between the United States and another government concerning the debts due by a State to its bondholders. In the first place, the United States was not the debtor, and if there

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## THIEF IDENTIFIED BY MAN HE ROBBED

Manuel Rosenthal Arrested in Norfolk on Charge of Stealing Diamonds.

[Special to The Times-Dispatch.]  
Norfolk, Va., December 10.—Manuel Rosenthal, who was arrested by the police on Saturday on a charge of diamond theft, has been identified as the man who broke into the home of R. W. Whitehurst in Ghent last February, stole several thousand dollars' worth of jewelry and shot at Miss Marie Whitehurst in making his escape. The identification was made by Mr. and Mrs. Whitehurst, who recognized some of the silverware and jewelry found in his possession. Rosenthal has passed under several aliases. His more recent name here was "Charles Davis." He is supposed to be "Max Edwards," who is wanted for housebreaking in New York.

"But suppose the United States government did undertake to submit to arbitration the question concerning the debts in Iowa, Pennsylvania, North Carolina or Mississippi? It could bind the Federal government and could bind it only to pay a donation. Of course, in a certain sense the Federal government could agree to pay any amount of money to any foreign power, just as it agreed to give Spain \$20,000,000. If the Federal government was so fond of the friendship of one foreign power that it was willing to pay the debt of some State to bondholders of the State residing within the territory of that foreign power, it would be simply a free gift of money. There would be no way under 'law and equity' or any other way, to get it back from the State, nor would it be either legally or morally binding upon the State to repay it, unless the State had consented to the arbitration and had made itself a party to it."

"To resume rapidly; the people of the United States who are giving themselves so much trouble over the subject of the arbitration of State debts under the proposed treaty presume, first, that two out of the three American commissioners would agree that the question was 'justiciable.' They presume, secondly, that two-thirds of the Senate would consent to the arbitration of such a question. They presume in the third place that if all that happened, Congress would make the appropriation. In addition to that, they have presumed ahead of time that this would be 'a question hereafter arising,' and further that in some way a question of difference between a State and its bondholders would be, or could be, 'a question of difference' between the United States and its bondholders. "There is one other point; the objection is made to the treaty that the prerogatives of the Senate are surrendered. If you will read the treaty, you will see that they are not. The objection is made that the United States 'surrenders its sovereignty' to a certain extent. Of course, it is true that whenever any government makes a treaty it surrenders its sovereignty to the extent of surrendering the sovereign right vested in Congress to make war, concerning the question settled by the treaty, or if it be a treaty or arbitration, concerning the question to be arbitrated."

"I heard one Senator very foolishly say that 'this treaty would be a surrender of the right of Congress to declare war.' Every friendly treaty settling a difference is that; but the constitutional right of Congress to declare war is no higher and is no more precious right than the sovereign right of the President and the Senate by treaty to prevent war."

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CHAUFFEURS PUT BAN ON JOY RIDERS  
Wilkesbarre, Pa., December 10.—Local chauffeurs have clubbed together and formed an organization which has as its chief object the placing of the ban on the joy rider. The organization is purely local. It has a social side, and will eventually resolve itself into a fraternal organization. The club has held one meeting, and at this session steps were taken to make life unpleasant for the joy rider.

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